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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-0608 YGR
)	
Plaintiff,)	[PROPOSED] ORDER OF DETENTION PENDING
)	TRIAL
v.)	
)	
GABRIELA TIGGES,)	
)	
Defendant.)	

The United States moved for the pretrial detention of the defendant Gabriela Tigges at the defendant's initial appearance in this District on May 4, 2015. The matter came before the Court on May 6, 2015, for a hearing on the United States' motion for detention. The defendant Gabriela Tigges was present and represented by attorneys Robert Beles and Elliot Silver. Assistant United States Attorney Kyle Waldinger appeared for the United States. Pretrial Services submitted to the Court and the parties a report previously prepared in the Eastern District of New York, as well as a report recently prepared by Pretrial Services in this District. A representative of Pretrial Services was present at the hearing.

At the hearing, the government continued to seek detention; the defendant opposed that motion, and sought pretrial release on conditions pursuant to a secured bond. Proffers and arguments regarding

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1 detention and release were submitted by the parties at the hearing.

2 Upon consideration of the facts, proffers, and arguments presented, the Court finds by a
3 preponderance of the evidence that no condition or combination of conditions of release at this time will
4 reasonably assure the appearance of the defendant as required. Accordingly, the Court concludes that
5 the defendant must be detained pending trial in this matter.

6 This Order supplements the Court's findings at the detention hearing and serves as written
7 findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i)(1).

8 The Court finds that the defendant appears to have left the United States more than five years
9 ago and has stayed in Brazil since that time, all in an effort to avoid potential criminal charges in the
10 United States. The government proffered that the defendant took her minor children out of school in the
11 middle of the school year in about late 2009 and went to Brazil after one of her former employees was
12 arrested and prosecuted. Since that time, several of the defendant's other former employees have been
13 prosecuted. Based on the government's proffer, it appears that the defendant purposefully avoided
14 coming back to the United States for more than five years because, as she stated to a former employee in
15 2011, she wanted to avoid any "red flags" at the passport check point and because she did not want to
16 take any chances at that point in her life. Since her departure, the defendant appears to have been
17 monitoring the status of any criminal investigation regarding her. These facts and the other facts
18 proffered by the government at the detention hearing support the conclusion that the defendant was
19 concerned about being prosecuted in this country, and that she left the United States and stayed away
20 from the United States because of that concern and to avoid prosecution, thus making her a risk of flight.

21 In addition, the Court notes that the defendant is a citizen of Brazil and has strong ties to that
22 country, and that she also may have a German or European Union passport. The government proffered
23 that several hundred thousand dollars was wired to the defendant's bank account in Brazil in 2010, and
24 the Pretrial Services report provides information that the defendant owns a home and a group of small
25 apartments in Brazil. In addition, the government proffered that two of the defendant's children still
26 reside in Brazil. Accordingly, the defendant's ties to Brazil are quite strong, while her ties to the United
27 States have become attenuated at least to some extent through her five-year absence from this country.
28 Although the United States of America has an extradition treaty with Brazil, the government has

1 proffered (and the defense has not disputed) that Brazil does not extradite its own citizens to the United
2 States under that treaty. Should the defendant flee to Brazil, the government essentially will have no
3 way to get her back to this country.

4 Accordingly, based on all of the facts set forth above and proffered by the government at the
5 detention hearing, the Court finds by a preponderance of the evidence that no condition or combination
6 of conditions of release at this time will reasonably assure the appearance of the defendant as required.


7 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

8 (1) the defendant be, and hereby is, committed to the custody of the Attorney General for
9 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
10 sentences or being held in custody pending appeal;

11 (2) the defendant be afforded reasonable opportunity for private consultation with her
12 counsel; and

13 (3) on order of a court of the United States or on request of an attorney for the government,
14 the person in charge of the corrections facility in which the defendant is confined shall deliver the
15 defendant to an authorized Deputy United States Marshal for the purpose of any appearance in
16 connection with a court proceeding in this case.

17
18 Dated: May 7, 2015


HON. KANDIS A. WESTMORE
United States Magistrate Judge